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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,142	09/10/2003	Gerhard E. Seidel	BOE 0453 PA	2141
27256	7590	08/17/2004	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			SUKMAN, GABRIEL S	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,142

Applicant(s)

SEIDEL, GERHARD E.

Examiner

Gabriel S. Sukman

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WU

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 64 and 70. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,422,514 B1 to Clark et al. (hereinafter referred to as Clark).

Clark clearly teaches all of the limitations of claim 1. The claimed fuselage, main wing, vertical stabilizer, and horizontal stabilizer are clearly depicted in figures 1 and 2. Further, the fuselage of Clark comprises two elongated cylindrical sections (112 and 118, for example) that are joined side-by-side, as shown in the figures, and the sections have a fuel tank positioned therein, as shown in figure 6.

Claims 3 and 7 are clearly anticipated by Clark in view of the teaching of the fuel tanks holding liquid hydrogen (see figure 6 and col. 4 line 41 through col. 5, line 10).

Regarding claim 5, Clark additionally discloses two vertical stabilizers as can be seen upon examination of figures 1 and 2.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,394,392 B1 to Lafferty.

Claim 1 is clearly anticipated by the drawings of the aircraft of Lafferty and in view of the disclosure at col. 6, lines 1-8, in which it is disclosed that at least one of the cylindrical sections contains fuel.

Claim 2 is also anticipated by Lafferty since Lafferty discloses the use of the other section to contain military personnel (col. 6, lines 1-8) or commercial passengers (figure 23), either of which comprises a passenger cabin as claimed.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,086,996 to Roeder et al. (hereinafter referred to as Roeder).

Roeder clearly teaches all of the limitations of claim 1 as can be seen in the figures and in view of the disclosure at col. 11, line 38 through col. 12, line 2, which discloses fuel tanks within the cylindrical sections of the aircraft.

Claim 2 is anticipated by Roeder as well since Roeder teaches there being at least one passenger cabin in at least one of the cylindrical sections, as seen in figure 4 of Roeder.

Claim 4 is anticipated by the disclosure of Roeder which teaches a plurality of fuel tanks in col. 11, line 65 through col. 12, line 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lafferty in view of U.S. Patent No. 3,405,893 to Flamand et al. (hereinafter referred to as Flamand).

Lafferty discloses all of the limitations of claim 6, as discussed above, except for teaching that the main wing is positioned on top of the fuselage. Flamand discloses a bi-lobed fuselage, similar to that of Lafferty, and teaches that the main wing is

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positioned on top of the fuselage. Flamand teaches several advantages to this configuration such as "on the one hand the flat-fuselage-high wing interaction improves the hyper-sustentation and leads, for a given approach speed, to a reduction in the surface of the wings, and on the other hand, the fatigue resistance of the fuselage structure is increased because the only openings formed are those necessitated by the landing gear bays" (col. 2, lines 27-35). It therefore would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lafferty by positioning the main wings on the top of the fuselage as taught by Flamand in order to take advantage of the benefits of such a design as enumerated by Flamand and cited herein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,395,072 to Nelson

U.S. Patent No. 6,666,406 B2 to Sankrithi et al.

U.S. Patent No. 5,088,661 to Whitener

U.S. Patent No. 4,674,712 to Whitener et al.

U.S. Patent No. 6,047,923 to Lafferty

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel S. Sukman whose telephone number is (703)

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308-8508. The examiner can normally be reached on M-F, 8:30-6:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gss


JACK KEITH
PRIMARY EXAMINER